

**MINUTES  
URBAN COUNTY PLANNING COMMISSION  
ZONING ITEMS PUBLIC HEARING**

**February 23, 2012**

- I. **CALL TO ORDER** – The meeting was called to order at 1:34 p.m. in the Council Chamber, 2<sup>nd</sup> Floor LFUCG Government Center, 200 East Main Street, Lexington, Kentucky.

Planning Commission members present: Eunice Beatty; Will Berkley; Carla Blanton; Patrick Brewer; Marie Copeland; Mike Cravens, Chair; Mike Owens; Lynn Roche-Phillips; and William Wilson. Absent was Frank Penn.

Planning staff members present: Chris King, Director; Bill Sallee; Barbara Rackers; Traci Wade; Tom Martin; Cheryl Gallt; and Stephanie Cunningham. Other staff members present were: Rochelle Boland, Department of Law; Bettie Kerr, Historic Preservation; Hillard Newman, Division of Engineering; Jeff Neal, Division of Traffic Engineering; Captain Charles Bowen, Division of Fire and Emergency Services; and Tim Queary, Urban Forester.

- II. **APPROVAL OF MINUTES** – A motion was made by Ms. Roche-Phillips, seconded by Mr. Berkley, and carried 10-0 (Penn absent) to approve the minutes of the January 26, 2012, Planning Commission meeting.

- III. **POSTPONEMENTS AND WITHDRAWALS** – Requests for postponement and withdrawal will be considered at this time.

1. **DP 2012-4: BAPTIST HEALTHCARE SYSTEM (CENTRAL BAPTIST HOSPITAL) (AMD) (4/2/12)\* - located at 1740 Nicholasville Road. (Council District 4) (HDR)**

Note: The purpose of this amendment is for an addition to the emergency room and to provide a canopy and pull-through drive lane for emergency medical services response vehicles.

The Subdivision Committee Recommended: **Approval**, subject to the following requirements:

1. Urban County Engineer's acceptance of drainage, storm, and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection plan.
6. Greenspace Planner's approval of the treatment of greenways and greenspace.
7. Division of Fire's approval of emergency access, fire hydrant locations, and fire gate information (agreement).
8. Division of Waste Management's approval of refuse collection.
9. Correct numbering of general notes.
10. Denote compliance with Article 18-3 of the Zoning Ordinance.
11. Resolve exterior lighting spillage with applicable requirements.

Citizen Comments: Clarissa Spawn, 1909 Bellefonte Drive, stated that she is the treasurer of the recently incorporated Glendover Neighborhood Association. She requested a two-month postponement of this development plan, explaining that the applicant has been encouraging their employees to use their back entrance, on Hiltonia Park, in order to alleviate parking lot traffic flow problems at their main entrance on Nicholasville Road. Ms. Spawn believes that the rerouting of employee traffic has resulted in the creation of a "high-volume, high-speed corridor" through the Glendover neighborhood, and has possibly endangered children crossing the street near Glendover Elementary School.

Ms. Spawn said she believes that the purpose of the proposed development plan is to permanently establish the rear entrance of Central Baptist Hospital as one of the main entrances. She explained that her reasons for requesting a two-month postponement of this plan are twofold: first, to allow time for the neighborhood association, which has not yet set up official communication channels, to notify their residents about the proposed plan; and second, to allow the Division of Traffic Engineering further time to evaluate the possible traffic impacts of the proposed development plan amendment. Ms. Spawn stated that it is her understanding that the Zoning Ordinance requires a traffic study in any instance where an expansion results in a traffic increase of more than 100 peak-hour trips on an arterial roadway. She also believes that, due to changes in traffic patterns as employees were rerouted to the rear entrance to the property, the traffic data accumulated by the Division of Traffic Engineering is understated. A two-month postponement would allow adequate time for that re-assessment, and for the affected neighborhood associations to discuss the proposed plan with their members.

Petitioner Representation: Skip Alexander, Director of Construction for Central Baptist Hospital, was present representing the petitioner. He stated that the petitioner would request that this plan go forward at this meeting, as they have already agreed to a two-week delay. With regard to Ms. Spawn's comments, he said that the Hiltonia Park entrance to the property has been in use by ambulance traffic, staff, and patients for over 20 years, and the proposed amendment to the development plan will not change that use or increase traffic to the property.

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\* - Denotes date by which Commission must either approve or disapprove request.

Staff Comment: Mr. Sallee stated that, without the consent of the applicant, the last Commission meeting date to which this plan could be postponed would be March 22<sup>nd</sup>. He explained that the Planning Commission is obligated to consider this plan by April 2<sup>nd</sup>.

Commission Comment: Mr. Brewer stated that he had heard from several residents of the nearby neighborhoods, who believe there are significant issues to be resolved prior to Planning Commission consideration of this plan. He noted that he would be in support of the request for postponement.

Action: A motion was made by Mr. Brewer, seconded by Mr. Wilson, and carried 7-2 (Berkley abstained; Blanton and Cravens opposed; Penn absent) to postpone DP 2012-4 to the March 22, 2012, Planning Commission meeting.

- IV. LAND SUBDIVISION ITEMS** - The Subdivision Committee met on Thursday, February 2, 2012, at 8:30 a.m. The meeting was attended by Commission members: Derek Paulsen, Eunice Beatty, Mike Owens, Will Berkley and Marie Copeland. Committee members in attendance were: Hillard Newman, Division of Engineering; and Jim Gallimore, Division of Traffic Engineering. Staff members in attendance were: Bill Sallee, Tom Martin, Cheryl Gallt, Chris Taylor, Jimmy Emmons, Dave Jarman and Denice Bullock, as well as Captain Charles Bowen, Division of Fire & Emergency Services. The Committee made recommendations on plans as noted.

*General Notes*

*The following automatically apply to all plans listed on this agenda unless a waiver of any specific section is granted by the Planning Commission.*

- 1. All preliminary and final subdivision plans are required to conform to the provisions of Article 5 of the Land Subdivision Regulations.*
- 2. All development plans are required to conform to the provisions of Article 21 of the Zoning Ordinance.*

The procedure for consideration of these remaining plans is as follows:

- Staff Report(s)
- Petitioner's Report(s)
- Citizen Comments – (a) in support of the request, and (b) in opposition to the request
- Rebuttal – (a) petitioner's comments, (b) citizen comments, and (c) staff comments
- Commission discusses and/or votes on the plan

- V. ZONING ITEMS** - The Zoning Committee met on Thursday, February 2, 2012, at 1:30 p.m. in the Division of Planning Office. The meeting was attended by Commission members Mike Cravens, Lynn Roche-Phillips, and Bill Wilson. The Committee reviewed applications, and made recommendations on zoning items as noted.

**A. ABBREVIATED PUBLIC HEARINGS ON ZONE MAP AMENDMENTS AND RELATED PLANS**

The staff will call for objectors to determine which petitions are eligible for abbreviated hearings.

Abbreviated public hearings will be held on petitions meeting the following criteria:

- The staff has recommended approval of the zone change petition and related plan(s)
- The petitioner concurs with the staff recommendations
- Petitioner waives oral presentation, but may submit written evidence for the record
- There are no objections to the petition

**B. FULL PUBLIC HEARINGS ON ZONE MAP AMENDMENTS AND RELATED PLANS** – Following abbreviated hearings, the remaining petitions will be considered.

The procedure for these hearings is as follows:

- Staff Reports (30 minute maximum)
- Petitioner's report(s) (30 minute maximum)
- Citizen Comments
  - (a) proponents (10 minute maximum OR 3 minutes each)
  - (b) objectors (30 minute maximum) (3 minutes each)
- Rebuttal & Closing Statements
  - (a) petitioner's comments (5 minute maximum)
  - (b) citizen objectors (5 minute maximum)
  - (c) staff comments (5 minute maximum)
- Hearing closed and Commission votes on zone change petition and related plan(s)

**Note:** Requests for additional time, stating the basis for the request, must be submitted to the staff no later than two days prior to the hearing. The Chair will announce its decision at the outset of the hearing.

**1. VICTORY APOSTOLIC CHURCH, INC., ZONING MAP AMENDMENT & VICTORY APOSTOLIC CHURCH, INC., ZONING DEVELOPMENT PLAN**

- a. MARC 2012-3: VICTORY APOSTOLIC CHURCH, INC. (4/2/12)\* - petition for a zone map amendment from an Agricultural Rural (A-R) zone to a Planned Neighborhood Residential (R-3) zone, for 1.56 net (2.04 gross) acres, for property located at 1420 Greendale Road. A conditional use permit has also been requested with this zone change.

**LAND USE PLAN AND PROPOSED USE**

The 2007 Comprehensive Plan (Sector 7) recommends Medium Density Residential (MD) future land use for the subject property. The petitioner proposes Planned Neighborhood Residential (R-3) zoning to allow for a 13,200 square-foot church, and associated off-street parking. The petitioner has also requested that a conditional use permit for the church be granted by the Planning Commission for the subject property.

The Zoning Committee Recommended: **Approval**, for the reasons provided by staff.

**The Staff Recommends: **Approval****, for the following reason:

1. A restricted Planned Neighborhood Residential (R-3) zone is in agreement with the 2007 Comprehensive Plan, for the following reasons:
  - a. The Future Land Use Element of the Plan recommends Medium Density Residential (MD) for the subject property, which is defined as 5–10 dwelling units per net acre.
  - b. The proposed church land use is a permissible conditional use in the Planned Neighborhood Residential (R-3) zone.
  - c. The property will be restricted to a maximum residential density, in keeping with the maximum density recommended by the Plan, of 15 dwelling units.
  - d. The proposed development of a church is supported by Goal #14, Objective I and Goal #20, Objective P of the 2007 Comprehensive Plan, which allow for adequate community facilities (including churches) to satisfy public need, and which encourage developing self-sustaining neighborhoods by enabling a range of services in close proximity (also including worship facilities).
2. This recommendation is made subject to the approval and certification of ZDP 2012-9: Victory Apostolic Church, Inc. prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of any approval by the Planning Commission.
3. Under the provisions of Article 6-7 of the Zoning Ordinance, the following use shall be restricted on the subject property via conditional zoning:
  - a. A maximum of 15 residential dwelling units may be permitted on the subject property.

This restriction is appropriate and necessary for the subject property in order to ensure compatible development; and if a conditional use does not develop on the subject property, the property will develop in a manner recommended by the 2007 Comprehensive Plan.

- b. ZDP 2012-9: VICTORY APOSTOLIC CHURCH, INC. (4/2/12)\* - located at 1420 Greendale Road.  
**(Banks Engineering)**

The Subdivision Committee Recommended: **Postponement**. There were questions regarding the lack of tree inventory information on the site, and the necessary public improvements to Greendale Road.

**Should this plan be approved**, the following requirements should be considered:

1. Provided the Urban County Council rezones the property R-3; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, storm and sanitary sewers, and floodplain information.
3. Urban County Traffic Engineer's approval of parking, circulation, access and street cross-sections.
4. Building Inspection's approval of landscaping and landscape buffers.
5. Urban Forester's approval of tree inventory map.
6. Denote: No building permits shall be issued unless and until a final development plan is approved by the Planning Commission.
7. Correct note #8.
8. Remove notes #10, #12 and #14 from plan.
9. Correct Planning Commission certification.
10. Denote proposed detention location.
11. Addition of tree inventory map per Article 26 of the Zoning Ordinance.
12. Complete topographic information near access point.
13. Denote that Kentucky Transportation Cabinet approval of access will be required at the time of a final development plan.
14. Discuss tree canopy and potential tree protection area requirement.
15. Discuss improvements to Greendale Road.

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c. REQUESTED CONDITIONAL USE

CHURCH

The Staff Recommends: **Approval**, for the following reasons:

- a. The church use proposed at this location will not adversely affect the subject or surrounding properties. This church use is not expected to generate high volumes of traffic, and there is no aspect of the proposed use, such as noise, that is anticipated to be disturbing to the surrounding neighborhood. Although some of the trees in the center of this site will be removed, the property will be well landscaped along its borders, and the entrance to the property from Greendale Road will be improved.
- b. All necessary public services and facilities, such as police and fire protection, and all utilities are available and adequate for the proposed use.

This recommendation is made subject to the following conditions:

1. Provided the subject property is rezoned R-3 by the Urban County Council; otherwise, any Planning Commission action of approval is null and void.
2. Should the subject property be re-zoned to R-3, it shall be developed according to the submitted Zoning Development Plan, or as further amended by the Commission.
3. All necessary permits shall be obtained from the Division of Building Inspection prior to any paving or construction on the subject property.
4. The parking lots and driveways shall be paved, with spaces delineated, and shall be landscaped/screened in accordance with Articles 16 and 18 of the Zoning Ordinance. In addition, a 20' landscape buffer shall be maintained along the northern and eastern property boundaries.
5. The final design of the parking lots, access drives and internal circulation shall be subject to review and approval by the Division of Traffic Engineering.
6. Any outdoor pole lighting utilized for the parking lots on subject property shall be of a shoebox (or similar) design, with light shielded and directed downward to avoid disturbing adjoining or nearby residential properties.
7. A storm water management plan shall be implemented in accordance with the requirements of the adopted Engineering Manuals, subject to acceptance by the Division of Engineering.

Zoning Presentation: Ms. Wade presented the staff's zoning report, briefly orienting the Commission to the location of the subject property on Greendale Road, well north of the existing 90-degree turn and south of the railroad crossing. She said that the subject property is bordered to the north and northwest by properties zoned A-R; to the southwest and south, by properties zoned R-3 which have been developed for mostly single-family residential use; and across the railroad tracks to the east, by Light Industrial zoning, including the recently developed Kentucky Eagle Beer distributorship.

Ms. Wade explained that a home had formerly been located on the subject property, but it had been demolished. In addition, a portion of the property is heavily wooded, and there is an existing large utility easement to the rear of the property. The petitioner proposes to construct a two-story church, 13,200 square feet in size, on the subject property, with associated parking. Ms. Wade displayed several aerial photographs of the property, including: 1) a view from Greendale Road to the south, noting the new residential development and the termination of the sidewalk improvements; 2) a view from the subject property to the north, with the railroad tracks in the background; 3) a view of the detention basin on the adjoining property, which serves the nearby residential development; and 4) a front view of the subject property.

Ms. Wade stated that the 2007 Comprehensive Plan recommends Medium Density Residential use for the subject property, which is typically defined as 5 – 10 dwelling units per net acre. That definition also includes a range of 0 – 8 units per gross acre, and the petitioner has requested that the staff review this request in terms of gross acreage, rather than net acreage. Ms. Wade explained that church properties are typically recommended for Semi-Public Facilities land use, but that generally refers to existing churches. The petitioner is requesting the R-3 zone in order to be consistent with the recommendations of the Comprehensive Plan, as well as the existing residential zoning in the area. This rezoning is also being requested because the church building is proposed to be larger in size than the 10,000 square feet currently allowed for churches in the A-R zone.

Ms. Wade stated that the proposed R-3 zoning is in agreement with the recommendation of the Comprehensive Plan. She added that it is common, when a property is proposed for rezoning to accommodate a semi-public use, for the staff to propose conditional zoning restrictions to limit the density allowable on the property should it be developed or ultimately redeveloped for residential use. Therefore, the staff is recommending a conditional zoning restriction to limit the allowable density for the property. Although the petitioner is not proposing any dwelling units for the subject property, the two gross acres could be developed with 16 dwelling units and still comply with the Medium Density Residential recommendation of the Comprehensive Plan. Ms. Wade said that the staff found several Goals and Objectives that support the location of churches in residential areas, in order to allow those neighborhoods to be self-sustaining and provide opportunities for non-residential uses to locate near them. She said that the staff and the Zoning Committee are recommending approval of this request, for the following reason:

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1. A restricted Planned Neighborhood Residential (R-3) zone is in agreement with the 2007 Comprehensive Plan, for the following reasons:
  - a. The Future Land Use Element of the Plan recommends Medium Density Residential (MD) for the subject property, which is defined as ~~5-10-0~~ 8 dwelling units per ~~net gross~~ acre.
  - b. The proposed church land use is a permissible conditional use in the Planned Neighborhood Residential (R-3) zone.
  - c. The property will be restricted to a maximum residential density, in keeping with the maximum density recommended by the Plan, of ~~15-16~~ dwelling units.
  - d. The proposed development of a church is supported by Goal #14, Objective I and Goal #20, Objective P of the 2007 Comprehensive Plan, which allow for adequate community facilities (including churches) to satisfy public need, and which encourage developing self-sustaining neighborhoods by enabling a range of services in close proximity (also including worship facilities).
2. This recommendation is made subject to the approval and certification of ZDP 2012-9: Victory Apostolic Church, Inc. prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of any approval by the Planning Commission.
3. Under the provisions of Article 6-7 of the Zoning Ordinance, the following use shall be restricted on the subject property via conditional zoning:
  - a. A maximum of ~~15-16~~ residential dwelling units may be permitted on the subject property.

This restriction is appropriate and necessary for the subject property in order to ensure compatible development; and if a conditional use does not develop on the subject property, the property will develop in a manner recommended by the 2007 Comprehensive Plan.

Development Plan Presentation: Mr. Martin presented the corollary preliminary development plan, noting the location of the Norfolk-Southern railroad and 100' Kentucky Utilities transmission easement on the subject property. He stated that the petitioner is proposing to construct one church building, 13,200 square feet in size and two stories in height, with the associated required parking spaces and a one-way traffic circulation pattern. The development plan also indicates the proposed locations for the dumpster, as well as the access point to Greendale Road.

Mr. Martin stated that the Subdivision Committee recommended postponement of this development plan, in accordance with the staff's recommendation of postponement due to the lack of information provided about the tree canopy and possible improvements to Greendale Road. With regard to the staff's concerns about improvements to Greendale Road, Mr. Martin said that portions of that roadway have been improved as development has occurred. There are two areas near the subject property where the transition to a narrower cross-section can be noted by changes in the pavement. The staff is recommending that such a transition should be constructed at some point along the petitioner's street frontage, but that decision can be deferred until the time of the final development plan. Mr. Martin explained that the petitioner has other issues to address at that time, including the possible relocation of a large utility pole near the existing right-of-way. He added that the petitioner has agreed to construct sidewalks along their frontage, which will connect to the sidewalk system already in place for one of the adjoining residential developments.

Mr. Martin said that the petitioner had addressed several of the recommended conditions, so the staff prepared a revised recommendation, which was distributed to the Commission members prior to the start of today's hearing. He said that the staff is now recommending approval, subject to the following conditions:

1. Provided the Urban County Council rezones the property R-3; otherwise, any Commission action of approval is null and void.
2. Urban County Engineer's acceptance of drainage, storm and sanitary sewers, and floodplain information.
3. Urban County Traffic Engineer's approval of parking, circulation, access and street cross-sections.
4. Building Inspection's approval of landscaping and landscape buffers.
5. Urban Forester's approval of tree inventory map.
6. ~~Denote: No building permits shall be issued unless and until a final development plan is approved by the Planning Commission.~~
6. ~~7.~~ Correct note #8.
8. ~~Remove notes #10, #12 and #14 from plan.~~
9. ~~Correct Planning Commission certification.~~
10. ~~Denote proposed detention location.~~
11. ~~Addition of tree inventory map per Article 26 of the Zoning Ordinance.~~
12. ~~Complete topographic information near access point.~~
13. ~~Denote that Kentucky Transportation Cabinet approval of access will be required at the time of a final development plan.~~
7. ~~Denote any Commission approval of a Conditional Use Permit on the plan.~~
- 8.14. Discuss/Resolve tree canopy and potential tree protection area requirement at the time of Final Development Plan.

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9.15. Discuss/Resolve improvements to Greendale Road at the time of Final Development Plan.

Commission Question: Mr. Owens asked if it would be more appropriate to locate the dumpster further away from Greendale Road, as it could be very visible in such a location. Mr. Martin answered that the dumpster area could be relocated; but, he noted that there is a screening requirement that could also reduce its visibility. He added that the most important consideration in the location of a dumpster is the ability of the Division of Solid Waste to access it safely.

Conditional Use Presentation: Mr. Sallee presented the staff report on the requested conditional use, explaining that a church is a conditional use in a Planned Neighborhood Residential (R-3) zone. He displayed an aerial photograph of the subject property, noting the expanse of trees along the western and southern perimeters of the property.

Mr. Sallee stated that the church is proposed to accommodate approximately 200 seats and 50 parking spaces on the property, although there could be some adjustments to those numbers on the final development plan. He said that the perimeter of the property will be well-screened, due to the heavy treeline, so the staff believes that the proposed church will not adversely impact the surrounding residential uses. The staff finds that adequate public facilities also exist to serve the proposed church, including sidewalks for pedestrian use. Mr. Sallee said that the staff also believes that the proposed parking spaces will be adequate to serve the church, and that occasional overflow parking could be accommodated in the existing large utility easement at the rear of the property.

Mr. Sallee stated that the staff is recommending approval of the requested conditional use. He explained that, at the Zoning Committee meeting, there had been some concern among the Committee members that the church might want to feature outdoor recreational uses at some point in the future. In order to eliminate possible future applications to the Board of Adjustment to permit such additional uses, the staff is suggesting an addition to the conditions for approval that would permit such recreational uses. The additional condition would read:

8. Outdoor recreational uses, accessory to the church, are also included with this approval, provided they are depicted on the Final Development Plan approved for the subject property.

Mr. Sallee stated that the staff is recommending approval of this conditional use request, for the reasons as listed in the staff report and on the agenda.

Petitioner Representation: Richard Murphy, attorney, was present representing the petitioner. He explained that the church is currently meeting in a rented space in a shopping center. The petitioner purchased the subject property eight months ago, and the former residence had already been removed at that time. Mr. Murphy said that the petitioner is in agreement with the staff's recommendations, including the conditions for approval of the zone change, development plan, and conditional use request. The petitioner appreciates the staff's accommodation of their need to calculate density on the property by gross acreage, rather than net, because that change will assist in obtaining financing to fund the construction on the property.

With regard to the staff's recommendation to include possible recreational uses along with the conditional use permit, Mr. Murphy said that the petitioner believes that that is appropriate, and they will depict such uses on the Final Development Plan as required by the new condition #8.

Mr. Murphy stated, with regard to Mr. Owens's question about the proposed dumpster location, that the petitioner has been informed that the subject property will not require dumpster service at this time. Due to the small size of the congregation, the subject property can be served by Herbie carts at this time, although a proposed dumpster location must be indicated on the development plan. Mr. Murphy noted that the petitioner will work with the staff at the time of the Final Development Plan to determine the best location for the dumpster.

Mr. Murphy concluded by stating that the petitioner believes that the proposed church will provide a good transition from the nearby railroad tracks and industrial uses to the adjoining residential developments, and he requested approval.

Citizen Comment: There were no citizens present to comment on this proposal.

Zoning Action: A motion was made by Ms. Blanton, seconded by Mr. Wilson, and carried 9-0 (Penn absent) to approve MARC 2012-3, for the reasons provided by staff in their revised recommendation.

Conditional Use Action: A motion was made by Ms. Blanton, seconded by Ms. Beatty, and carried 9-0 (Penn absent) to approve the requested conditional use, for the reasons as provided by staff, subject to the conditions as listed in the revised staff recommendation.

Development Plan Action: A motion was made by Ms. Blanton, seconded by Mr. Owens, and carried 9-0 (Penn absent) to approve ZDP 2012-9, subject to the nine conditions as listed in the revised staff recommendation.

**2. URBAN COUNTY PLANNING COMMISSION ZONING MAP AMENDMENT**

- a. MAR 2012-2: URBAN COUNTY PLANNING COMMISSION - petition for a zone map amendment to create a Neighborhood Design Character Overlay (ND-1) zone for 113.87± net (150.90± gross) acres, for properties located at 200-368 Boiling Springs Drive; 207-291 Burke Road; 1443-1602 N. Forbes Road; 216-352 Glendale Avenue; 212-353, 357 & 361 Hillsboro Avenue; 212-329 Larch Lane; 1519-1649 Old Leestown Road (odd addresses only); 310-331 Leona Drive; 1456-1650 Meadowthorpe Avenue; 1541 & 1545 Penrod Drive; 215-267 Pepper Drive; 209-340 Taylor Drive; and 1442-1509 Townley Drive.

**Proposed Design Standards:**

1. **Exterior Building Materials** (applicable to single-family detached, duplexes and multi-family)
  - a. Exterior wall coverings of the primary structure, including attached garages and chimneys, but with the exception of dormers and porch coverings, are to consist of laid brick or laid natural stone. Brick is defined as brick made of kiln-dried clay or ground shale, and recognized by the Brick Industry Association as such. Exterior wall coverings of additions to the primary structure, other than those behind the existing primary structure, shall be of brick or stone. Exterior wall coverings of additions to the primary structure, behind the existing structure, may be of any material approved by local building codes.
2. **Floor Area Ratio** (applicable to single-family detached and duplexes)
  - a. The floor area ratio, excluding basements, shall not exceed 0.25.
3. **Building Heights** (applicable to single-family detached and duplexes)
  - a. Maximum of 30 feet to highest ridge.
4. **Rear Yard Setbacks** (applicable to single-family detached and duplexes)
  - a. Measured 60 feet from the front building plane (excluding porches) or 10 feet from the rear property line, whichever is greater.
5. **Accessory Structures** (applicable to single-family detached, duplexes and multi-family)
  - a. Maximum footprint of 800 square feet for all accessory structures per lot for single-family detached and duplexes. Maximum of 250 square feet per unit for multi-family. Maximum 22-foot height to roof ridge, but no accessory structure shall be taller at the roof ridge than the height of roof ridge of the primary structure; maximum 12-foot height to eave (aka gutter line). Maximum 12-foot height for accessory structures with flat or shed roofs.
6. **Minimum Wall Openings** (applicable to single-family detached, duplexes and multi-family)
  - a. Minimum of 10 percent (10%) of the wall plane (surface) on each elevation (front, side and rear) of new construction to have windows, doors, and/or vented openings, unless such openings violate Building Code for fire protection. (Excludes any new construction with a wall plane area of less than 150 square feet, chimneys, and side walls of dormers).
7. **Parking**
  - a. Parking for Multi-family Dwellings: No parking between the street and the front building plane of the principal structure on the lot. All parking areas are to be located to the rear and/or side of the principal structure on the lot.
  - b. Parking for Single-Family Detached and Duplexes: No driveways or parking areas between the primary structure and the street unless it is a driveway directly in front of an attached garage.

**LAND USE PLAN AND PROPOSED USE**

The 2007 Comprehensive Plan (Sector 3) recommends mostly Low Density Residential (LD) land use for the neighborhood. A few properties on Meadowthorpe Avenue are recommended for Medium Density Residential (MD) land use. The Planning Commission has initiated a zone change request to add a Neighborhood Design Character Overlay (ND-1) zone in order to regulate exterior building materials, floor area ratio (FAR), building height, rear yard building setbacks, accessory structures, building wall openings, and off-street parking design regardless of the underlying zoning.

The Zoning Committee made no recommendation on this request.

The Staff Recommends: **Approval of the ND-1 overlay zone with the Staff Alternative Design Standards**, for the following reason:

1. The requested Neighborhood Design Character (ND-1) overlay zone is in agreement with the 2007 Comprehensive Plan for the following reasons:
  - a. The Goals & Objectives of the Plan identify eight overriding themes, one of which is "preserving, protecting, and maintaining existing residential neighborhoods in a manner that ensures stability and the highest quality of life for all residents." This will be enhanced with this zoning overlay for Meadowthorpe. Further, Goal 15, Objective I states that neighborhood protection overlay zoning provisions should be implemented for establishing stability and protection in existing and, especially, older neighborhoods.
  - b. The implementation of a Neighborhood Design Character (ND-1) overlay zone is in agreement with the Comprehensive Plan's Goals & Objectives by providing specific standards that will maintain the existing character of the neighborhood, independent of the underlying zoning.
  - c. The Meadowthorpe neighborhood has completed a design character study, defined the existing character of the neighborhood, developed preservation goals, and proposed appropriate neighborhood design standards (in need of only slight modification), thus meeting the requirements of the ND-1 zone.
2. Under the provisions of Article 6-7 of the Zoning Ordinance, the following use restrictions are proposed for the subject property via conditional zoning:

**Alternative Design Standards** (Additions are identified by an underline, and deletions to the original proposal are identified by a ~~strike through~~.)

1. **Exterior Building Materials (applicable to single-family detached, duplexes and multi-family)**
  - a. Exterior wall coverings of the primary structure, including attached garages and chimneys, but with the exception of dormers and porch coverings, are to consist of laid brick or laid natural stone. Brick is defined as brick made of kiln-dried clay or ground shale, and recognized by the Brick Industry Association as such. Exterior wall coverings of additions to the primary structure, other than those behind the rear wall plane of the existing primary structure, shall be of brick or stone. Exterior wall coverings of additions to the primary structure, behind the rear wall plane of the existing structure, may be of any material approved by local building codes.
2. **Floor Area Ratio (applicable to single-family detached ~~and duplexes~~)**
  - a. The floor area ratio, excluding basements, shall not exceed 0.25.
3. **Building Heights (applicable to single-family detached and duplexes)**
  - a. Maximum of 30 feet to highest ridge.
4. **Rear Yard Setbacks (applicable to single-family detached and duplexes)**
  - a. ~~Setback shall be measured~~ 60 feet from the front building plane (excluding porches) or 10 feet from the rear property line, whichever is greater.
5. **Accessory Structures (applicable to single-family detached, duplexes and multi-family)**
  - a. Maximum footprint of 800 square feet for all accessory structures per lot for single-family detached and duplexes. Maximum of 250 square feet per unit for multi-family. Maximum 22-foot height to roof ridge, ~~but no accessory structure shall be taller at the roof ridge than the height of roof ridge of the primary structure~~; maximum 12-foot height to eave (aka gutter line). Maximum 12-foot height for accessory structures with flat or shed roofs. Dormers shall be prohibited on accessory structures.
6. **Minimum Wall Openings (applicable to single-family detached, duplexes and multi-family)**
  - a. Minimum of 10 percent (10%) of the wall plane (surface) on each elevation (front, side and rear) of new construction to have windows, doors, and/or vented openings, unless such openings violate Building Code for fire protection. (Excludes any new construction with a wall plane area of less than 150 square feet, chimneys, and side walls of dormers).
7. **Parking**
  - a. **Parking for Multi-family Dwellings:** No parking areas between the street and the front building plane of the principal structure on the lot. All parking areas are to be located to the rear and/or side of the principal structure on the lot.
  - b. **Parking for Single-Family Detached and Duplexes:** No driveways or parking areas directly between the front facade of the primary structure and the street unless it is a driveway directly in front of an ~~attached~~ garage. Loop or circular driveways shall also be prohibited.

These restrictions are appropriate, given the extensive study undertaken to identify the existing neighborhood character by the Meadowthorpe Neighborhood Association, and are necessary to maintain that existing character in the future.

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Staff Presentation: Ms. Wade presented the staff's report on this ND-1 overlay zoning request by entering the following items into the record of the meeting: a copy of the staff's PowerPoint presentation; a summary of the staff's proposed alternative design standards; notebooks containing the design study and supporting information prepared by the Meadowthorpe Neighborhood Association; copies of the one letter received in opposition to this request, as well as several letters received in support; and the ND-1 ballots prepared by the neighborhood association as part of their initial request to the Planning Commission.

Ms. Wade stated that this ND-1 request was initiated by the Planning Commission in October of 2011. The area proposed for ND-1 zoning is the Meadowthorpe neighborhood, including 484 individual properties. Of those properties, 440 contain single-family residences, while the other 40+ are occupied by duplexes and multi-family units. Ms. Wade briefly oriented the Commission to the location of Meadowthorpe neighborhood on Leestown Road, across from the Townley development and Meadowthorpe shopping center. The neighborhood is bordered to the north and west by New Circle Road; industrial uses to the east, along Price Road; commercial uses to the north and east; and industrial uses to the north, across New Circle Road. The neighborhood is almost entirely zoned R-1C, with the exception of several duplexes along Meadowthorpe Avenue; that area is currently zoned B-1, making them non-conforming uses. The other duplexes and multi-family structures in the neighborhood are also non-conforming, since they are currently zoned R-1C. Ms. Wade noted that there are several large properties that were excluded from this request, including: Meadowthorpe Elementary School; Meadowthorpe Baptist Church and Meadowthorpe Presbyterian Church; Meadowthorpe Park; the Westchester on the Circle apartment complex; and the single-family residences on Pelican Lane, which were developed during the 1990s.

Ms. Wade stated that Meadowthorpe was developed primarily during the 1940s and 1950s, with the last subdivision of property occurring in 1961. Most of the homes are Cape Cod-style, with some ranch-style homes, as well as the 29 duplexes and 15 multi-family structures. The construction of New Circle Road in the 1950s limited the expansion of the neighborhood, which was originally the Meadowthorpe Stock Farm, to its current confines. The neighborhood was then developed as Lexington's first airport, called Hailey Field, in 1927; it had historical importance as a landing site for Charles Lindbergh.

Ms. Wade explained that, as part of the ND-1 process, the Meadowthorpe neighborhood was first required to prepare a design study, which helped determine whether the area could meet one or more of the seven overlay district designation criteria as outlined in Article 29. They believe that they meet two of those criteria: there is a need to protect the visual characteristics that give the neighborhood its distinct identity; and the area has a character that is geographically defined, that possesses a significant concentration of buildings or structures united by past events, or has a plan or physical development that is united. Ms. Wade stated that Article 29 also requires a neighborhood to develop preservation goals as part of the ND-1 process. The Meadowthorpe neighborhood developed four such goals. The Zoning Ordinance also requires that any neighborhood seeking ND-1 designation must submit the results of a neighborhood survey. The Meadowthorpe ND-1 survey determined that 67% of all the property owners were in support of the ND-1 request; 25% had no response; and a little over 8% opposed the request. The staff sent survey postcards to Meadowthorpe property owners as well, prior to the Commission's initiation of this request. That survey revealed that, of all parcels, 40% of the postcards were in support; 8.7% were in opposition; 28% said they had no opinion; and 46.5% did not return the postcards at all.

Ms. Wade stated that the neighborhood had been through a two-year process to develop their seven proposed design standards. The first design standard would restrict all wall coverings, including garages and chimneys, to be brick or natural stone; dormers and porch coverings would be exceptions to that restriction. With regard to building additions, any addition behind the primary structure would be allowed to have a different covering, provided it met local building codes. The neighborhood found, as part of their research, that 100% of the homes in Meadowthorpe have either brick or natural stone cladding, while the existing additions have a variety of coverings. This design standard is proposed to preserve the quality of the environment and maintain the commonality of the structures.

Ms. Wade said that design standard #2 is proposed to restrict the floor area ratio (FAR) for single-family structures and duplexes to .25, excluding basements. The intention of this standard is to keep homes in scale with the neighborhood and maintain the streetscape. Ms. Wade noted that the property owner who submitted the one opposition letter received by staff is concerned primarily with this proposed standard. The staff reviewed the data provided by the neighborhood, with the exception of duplexes, which cannot be expanded due to their non-conformity, and found that only five of the single-family homes in the neighborhood exceed the .25 FAR. The greatest FAR among those structures is .3; there are another two homes which are currently at the .25 FAR. Thus, if this standard is applied, five properties would become non-conforming, and would not be able to expand.

With regard to design standard #3, Ms. Wade stated that the neighborhood is proposing a building height restriction to a maximum of 30' to the roof ridge. The neighborhood's data indicate that all of the homes in the neighborhood are one, one-and-a-half, or two stories tall, so none exceed the 30' limit. This restriction is proposed in order to keep homes in scale with the neighborhood and maintain the appearance of the streetscape.

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Ms. Wade said that proposed standard #5 refers to accessory structures. The neighborhood is proposing a maximum footprint of 800 square feet for structures accessory to a single-family dwelling or duplex. For the multi-family dwellings, accessory structures would be limited to 250 square feet per unit. This standard would also restrict the height of accessory structures to 22 feet. In reviewing the neighborhood's data, the staff found that the existing accessory structures range from 180 square feet to 1,700 square feet in size; the average size of 462 square feet is well below the proposed maximum. Over 95% of the properties with single-family residences are currently below that limit. Among the multi-family dwellings, only eight have accessory structures; two of those would have more square footage than would be permitted under the proposed design standard, so those structures would not be permitted to be expanded. This standard is proposed to maintain the streetscape, and to ensure that accessory structures remain secondary to the principal structures.

Ms. Wade stated that proposed design standard #6, which would require a minimum number of wall openings, is similar to an existing requirement in the defined Infill and Redevelopment Area. The neighborhood did not survey each property to ascertain the existing wall openings; however, they reviewed a sample of properties, and they estimate that all of the existing structures in the neighborhood would fall within the 16 – 22% range. This design standard is proposed to eliminate the possibility of structures with completely blank walls, which would be out of character with the neighborhood.

With regard to proposed design standard #4, Ms. Wade said that the neighborhood is proposing rear yard setbacks, to be measured 60' back from the front building plane, in order to maintain green space. They believe that large rear yards and open space are vital to the character of the neighborhood. The staff considered whether this guideline would create non-conformities, and found that 7.5% of the properties (or 35 parcels) have structures that are currently more than 60' deep. Those structures might be able to be expanded to either side, but not to the rear.

Ms. Wade said that design standard #7 pertains to parking, which is almost exclusively to the rear in the Meadowthorpe neighborhood. Most of the single-family homes have detached garages, and the multi-family units have parking to the rear as well. Under this proposed standard, parking for multi-family dwellings would be maintained to the rear or the side of the principle structure. For single-family structures, a driveway would be allowed in front of a garage, but it could not be expanded beyond the width of the garage. This standard is proposed to reinforce the character of the neighborhood. The staff found four properties in the neighborhood that currently have parking that is not located in front of a garage. Ms. Wade displayed several photographs of examples of such parking areas.

Ms. Wade stated that the staff is suggesting the following modifications to the proposed design standards, in order to aid in interpretation of the standards should any of the Meadowthorpe property owners request a zoning compliance permit or building permit:

2. Under the provisions of Article 6-7 of the Zoning Ordinance, the following use restrictions are proposed for the subject property via conditional zoning:

**Alternative Design Standards** (Additions are identified by an underline, and deletions to the original proposal are identified by a ~~strike through~~.)

1. **Exterior Building Materials (applicable to single-family detached, duplexes and multi-family)**
  - a. Exterior wall coverings of the primary structure, including attached garages and chimneys, but with the exception of dormers and porch coverings, are to consist of laid brick or laid natural stone. Brick is defined as brick made of kiln-dried clay or ground shale, and recognized by the Brick Industry Association as such. Exterior wall coverings of additions to the primary structure, other than those behind the rear wall plane of the existing primary structure, shall be of brick or stone. Exterior wall coverings of additions to the primary structure, behind the rear wall plane of the existing structure, may be of any material approved by local building codes.
2. **Floor Area Ratio (applicable to single-family detached and duplexes)**
  - a. The floor area ratio, excluding basements, shall not exceed 0.25.
3. **Building Heights (applicable to single-family detached and duplexes)**
  - a. Maximum of 30 feet to highest ridge.
4. **Rear Yard Setbacks (applicable to single-family detached and duplexes)**
  - a. Setback shall be measured 60 feet from the front building plane (excluding porches) or 10 feet from the rear property line, whichever is greater.

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**5. Accessory Structures (applicable to single-family detached, duplexes and multi-family)**

- a. Maximum footprint of 800 square feet for all accessory structures per lot for single-family detached and duplexes. Maximum of 250 square feet per unit for multi-family. Maximum 22-foot height to roof ridge, ~~but no accessory structure shall be taller at the roof ridge than the height of roof ridge of the primary structure~~; maximum 12-foot height to eave (aka gutter line). Maximum 12-foot height for accessory structures with flat or shed roofs. Dormers shall be prohibited on accessory structures.

**6. Minimum Wall Openings (applicable to single-family detached, duplexes and multi-family)**

- a. Minimum of 10 percent (10%) of the wall plane (surface) on each elevation (front, side and rear) of new construction to have windows, doors, and/or vented openings, unless such openings violate Building Code for fire protection. (Excludes any new construction with a wall plane area of less than 150 square feet, chimneys, and side walls of dormers).

**7. Parking**

- a. **Parking for Multi-family Dwellings:** No parking areas between the street and the front building plane of the principal structure on the lot. All parking areas are to be located to the rear and/or side of the principal structure on the lot.
- b. **Parking for Single-Family Detached and Duplexes:** No driveways or parking areas directly between the front façade of the primary structure and the street unless it is a driveway directly in front of an ~~attached~~ garage. Loop or circular driveways shall also be prohibited.

These restrictions are appropriate, given the extensive study undertaken to identify the existing neighborhood character by the Meadowthorpe Neighborhood Association, and are necessary to maintain that existing character in the future.

Ms. Wade stated, with regard to the recommendations of the 2007 Comprehensive Plan, that the Meadowthorpe neighborhood is recommended for mostly Low Density Residential use, with the exception of the B-1 properties along Meadowthorpe Avenue, which are recommended for Medium Density Residential use. The Comprehensive Plan also identifies eight overriding themes, one of which is preserving and protecting existing neighborhoods in order to improve quality of life. Goal 15, Objective I specifically recommends overlay zoning as a means to protect established neighborhoods. Ms. Wade said that the staff is recommending approval of the alternative design standards, for the reasons as listed in the staff report and on the agenda.

Commission Questions: Mr. Berkley asked if the Meadowthorpe neighborhood is included in the defined Infill & Re-development Area. Ms. Wade answered that it is not.

Ms. Copeland asked if the Meadowthorpe shopping center is included in this request. Using the rendered zoning map, Ms. Wade displayed the outline of the area proposed for ND-1 zoning, noting that the shopping center is not proposed to be added to the ND-1 area.

Mr. Owens asked, with regard to the standard for accessory structures, if a duplex would be allowed an 800-square foot accessory structure for each unit, or one structure only. Ms. Wade responded that the proposed standards would allow 800 square feet total.

Mr. Owens asked how parking would be addressed should a property owner wish to convert their garage to an enclosed building, and no longer use it for parking. Ms. Wade answered that parking would have to be provided somewhere on the property, behind the building line. She added that the rear yard setback issues have come about on properties where detached garages have been connected to the primary structures.

With regard to the proposed standard for floor area ratio, Mr. Owens asked if the staff could provide the average floor area ratio for all of the properties in the neighborhood. Ms. Wade stated that she believed that it could be .19 or .20; the neighborhood representatives might be able to provide more concrete information. Coleman Bush, neighborhood representative, noted that the average FAR is .17.

Ms. Roche-Phillips asked if the Commission had already ruled that parking in front yards is not permitted. Ms. Wade responded that required parking cannot be provided in front of the building line, but non-required parking is permitted there, as long as no more than 50% of the front yard is paved. Ms. Roche-Phillips asked if it would be possible for a property owner to double the width of their driveway in order to provide more parking. Ms. Wade answered that there are a few such driveways in the neighborhood, and some of them have a parking space that is no longer in front of the garage door. She explained that, if the garage has a double door, the property owner should be able to widen the driveway. Ms. Wade also noted that these restrictions apply only in front of the building line; there would be no such restrictions behind the building line. Ms. Roche-Phillips asked if this standard would prohibit widening of a driveway in front of the house. Ms. Wade responded that, if a property

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has a single garage, widening the driveway would result in a parking space that is not in front of the garage. The proposed standard would require that parking must be located directly in front of the garage.

Neighborhood Presentation: Coleman Bush, 324 Pelican Lane, was present representing Meadowthorpe Neighborhood Association. He distributed copies of his PowerPoint presentation and a Meadowthorpe history booklet to the Commission members.

Mr. Bush stated that the Meadowthorpe neighborhood has been involved in the ND-1 process for the past three years. He displayed several photographs of the neighborhood, in order to familiarize the Commission members with the neighborhood character and history. Mr. Bush noted that the largest home in the neighborhood, which was originally built for the Hillenmeyer family, is 29 feet in height. He added that another large home, located on Boiling Springs Drive, was built for the Pieratt family, with a solid stone foundation taken from some of the original farm fences on the property.

Mr. Bush stated that there are 313 "Meadowthorpe Cape Cod" homes in the neighborhood, many of which have been extensively rehabilitated and are virtually unchanged from the original 1950s construction. There are 149 smaller ranch-style homes in the neighborhood as well, some with vinyl additions to the rear. Meadowthorpe was designed with several types of housing, to meet the needs of different residents. There are several duplexes and multi-family structures in the neighborhood, all of which are located on large, attractive lots, and are well-maintained.

With regard to Mr. Owens's question, Mr. Bush stated that the average FAR for all the properties in Meadowthorpe is .17, excluding basements. He noted that that figure includes structures that currently have additions; the average FAR of the original structures would have been smaller. There are five structures that do not meet the proposed FAR of 0.25, all of which have a FAR under .30. Mr. Bush said that the average square footage of the structures in the neighborhood is 1,749, which includes the larger multi-family structures. He displayed a photograph of a home with a large rear yard addition, which depicts the type of development that the proposed design standards should help to eliminate, and a photograph of a large, three-car garage, which would be permitted under the proposed standards.

Mr. Bush said that the neighborhood believes that large wall expanses with few or no openings would be very out of character with the existing homes in Meadowthorpe, which was the impetus behind the proposed standard requiring a minimum percentage of wall openings.

Mr. Bush stated that the purpose of the proposed design standard for parking spaces is to eliminate parking in front of the living space, which would be out of character with the neighborhood. He displayed a photograph of one of the multi-family structures in the neighborhood, noting the location of the parking spaces to the rear of the building.

With regard to the petition data that is required as part of the ND-1 process, Mr. Bush said that the results of the petition drive indicated overwhelming support for the proposed ND-1 overlay. He noted that, out of the 484 properties in Meadowthorpe, there was a 77.3% response rate. Of those responses, nearly 87% were in support. Mr. Bush broke those responses into two categories: resident owners, among whom 80% responded and 87% were in support; and non-resident owners, of whom 64% responded and 87% were in support. He noted that the neighborhood provided two postage-paid envelopes along with the survey request, in order to encourage greater participation and maintain a transparent process. In comparison, the Chevy Chase neighborhood had a 73% response rate during their ND-1 process, and 84% in support. With regard to the survey postcards sent by the staff, Mr. Bush stated that 44% of the Meadowthorpe respondents were in support, while the Montclair neighborhood had 42% support indicated during their ND-1 process.

In conclusion, Mr. Bush said that he believes that the Meadowthorpe neighborhood definitely meets the Article 29 criteria for ND-1 overlay zone protection. He displayed a photograph of a vacant property in Meadowthorpe, where the home was torn down, which is currently awaiting a master commissioner's sale, and noted that, with ND-1 protection, the neighborhood residents could have the assurance that any home constructed on that lot will be in keeping with the character of the neighborhood.

Commission Questions: Mr. Brewer asked, with regard to the data provided to the Commission, if the response percentage provided was broken into seven categories to correspond to the seven proposed design standards. Mr. Bush answered that he averaged the categories, so that the page would be more readable. Mr. Brewer asked if the property owners had the opportunity at any point during the process to cast a simple "yes" or "no" vote, without breaking it down into categories. Mr. Bush responded that the residents had the opportunity to vote "yes" for all of the standards; or, if they had concerns about some standards, they also had the opportunity to vote independently for each one. He added that the total range of residents in support was approximately 85.1% to 88%. Mr. Brewer asked how many total "no" votes were received. Mr. Bush answered that he used the same methodology for the "no" votes.

Citizen Support: Mark Feibes, 288 Larch Lane, was present in support of this request. He quoted the following passage from *Rock Fences of the Bluegrass*:

“Our society does aspire to preserve some of the artifacts of the past, but we do this selectively. It is simpler to argue that a great building designed by a great architect, or occupied by a great man, merits preservation than it is to argue that a neighborhood market or a row of common working peoples’ houses are worthy of the same effort. The unfortunate result of such selective preservation is that the geographic, historic, and cultural past is lost, and what is left is a unique artifact out of context amidst other structures to which it has no functional attachment. Such artifacts tell very little of their place in the events during the time they flourished.”

Mr. Feibes stated that the Meadowthorpe neighborhood still exists nearly as it was 50 years ago. Out of the 484 original residences, only two have been torn down: one, in order to provide land for the Meadowthorpe Presbyterian Church, and the other due to a fire. Mr. Feibes said that he believes that this is the perfect time for ND-1 overlay zoning protection for the neighborhood, before it succumbs to changes.

Terry Terry, 1490 Townley Drive, stated that she lives near the home in one of the photographs displayed by Mr. Bush, which has a large addition. She said that, when she purchased her home 16 years ago, one of her main concerns was the size of the lot, in relation to the sizes of the homes around it. She and her family chose to live in Meadowthorpe partly because of the large lots and open space, since they spend a great deal of time outdoors. Ms. Terry said that, if she lived near the home at 1740 Townley Drive, she might consider selling her property, since that residence, the addition, and two-car garage occupies such a large portion of the lot and is out of character with the other homes on the street. She added that the neighborhood residents are seeking the ND-1 overlay zone in order to protect the other properties in the neighborhood for that type of overdevelopment, which does not fit in with the neighborhood.

Shirley Young, 220 Boiling Springs Drive, stated that she was a former president of the Meadowthorpe Neighborhood Association. Ms. Young said that she was first introduced to Meadowthorpe in 1980, while visiting a friend. In 1983, she sold a newer house on the south side of Lexington in order to relocate to Meadowthorpe.

Ms. Young stated that Meadowthorpe has important history, but the best feature of the neighborhood is its residents and the generations of families that make up the community. The neighborhood was developed by forward-thinking people who constructed many different types of housing to make it possible for people of many income ranges to live there. Ms. Young noted that, present in the audience at this meeting, are: Mary Owen Bush, who bought her home in Meadowthorpe in 1956; Mary’s son Coleman and daughter Nora, both of whom live in Meadowthorpe; and her granddaughter and two great-grandsons, who live in the neighborhood as well. She said that the proposed standards would not prevent additions or improvements to existing homes, but they can help to preserve the unique character and style of the homes in Meadowthorpe.

Joe Collins, president of the Meadowthorpe Neighborhood Association, stated that the Planning Commission has a great opportunity to protect a wonderful neighborhood, and he hopes that they will choose to do so.

Elizabeth Robertson, 1602 Meadowthorpe Avenue, stated that she was originally from Bourbon County. She chose to return to Lexington after college in order to establish roots for her family. She purchased her home in Meadowthorpe in 2010 because of the quality of the homes, proximity to downtown life, and the sense of being part of a small, historic community.

Ms. Robertson said that her home was originally built for the Hillenmeyer family, and has been maintained in its original state for the past 45 years by the Collier family. She noted that she supports the proposed ND-1 overlay zone, because it will protect the historic homes and strong character of the Meadowthorpe neighborhood for future generations.

Citizen Opposition: Donna Blauvelt, 252 Boiling Springs Drive, stated that she used to own the property at 344 Boiling Springs Drive. She purchased her current home following the death of her father-in-law, so it truly is a generational house.

Ms. Blauvelt stated that she is in opposition to the proposed ND-1 overlay. When she bought her home, it was in a state of complete disrepair, and no one else would buy it. Ms. Blauvelt revamped the house, keeping it consistent with the character of the neighborhood. As part of those renovations, she added a dormer in the rear of the house to accommodate her family of three children, which is the first phase of the alterations she planned to make. The next phase would involve the addition of a large deck in the rear of the home; removing the existing concrete-block, two-car garage; replacing it with a brick façade, three-car garage; and constructing an extra

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parking space beside the garage. Ms. Blauvelt stated that the proposed design standards would prohibit her from constructing that extra parking space. She explained that she had previously lived in a newer neighborhood with a homeowners' association, which had many regulations about the use and aesthetics of the properties, and she is concerned about the proposed ND-1 standards and how they could affect the use of her property. She said that she bought her home with the understanding that there were no restrictions on additions; she believes that it is unfair to apply restrictions to her property now, when she is partway through her renovation plans. Ms. Blauvelt asked that the Planning Commission consider the rights of the homeowners in the Meadowthorpe neighborhood, because she believes that dictating to a homeowner what they can and cannot do is not the American way.

Community Support: John Rhorer, Chair of the Historic Preservation Commission, stated that his organization is in support of this ND-1 request. He said that the Ordinance sets out the following jurisdiction for the Historic Preservation Commission:

“Providing guidance to LFUCG in all matters concerning historic preservation; conservation or enhancement of structures, premises, areas; or historic cultural and architectural significance.”

Mr. Rhorer said that he believes that the amount of effort put forth by the Meadowthorpe Neighborhood Association with respect to data gathering and preparation for the ND-1 process is impressive. He noted that the Historic Preservation Commission had submitted a letter in support of this request, and he asked that the Commission recommend approval.

Chairman Comments: Since there were no other citizens wishing to speak to this proposal, Mr. Cravens declared the hearing closed at this time.

Commission Questions: Mr. Owens asked if there are required front yard setbacks in the Meadowthorpe neighborhood. Ms. Wade answered that the R-1C zone requires a 30' setback.

Ms. Roche-Phillips asked if Ms. Blauvelt would be permitted to construct an 800-square foot garage and a deck under the proposed design standards. Ms. Wade answered that that would be permitted. Ms. Roche-Phillips asked if Ms. Blauvelt would be able to construct an additional parking space beside the garage. Ms. Wade responded that the design standards would only restrict parking when it is between the front façade of the primary structure and the street. Ms. Roche-Phillips stated that it seemed, then, that Ms. Blauvelt's concerns should be met. Ms. Wade said that there might be some concern about the size of the garage, or the height, if dormers are added to it.

Ms. Copeland asked if this ND-1 request is typical, or if there is anything “radically different” about it. Ms. Wade answered that she did not believe that there was anything radically different about this request. She noted that, compared to the three existing ND-1 overlay areas, the design standards proposed by the Meadowthorpe neighborhood are not the strictest or the least restrictive.

Ms. Roche-Phillips asked Mr. Berkley if he knew the standard size for a two-car garage. Mr. Berkley responded that a two-car garage would likely be approximately 20x25 feet in size. Ms. Roche-Phillips asked what the dimensions would likely be for a three-car garage. Mr. Berkley answered that that would likely add another 10 to 15 feet to the structure. Ms. Roche-Phillips stated that 750 square feet should usually be sufficient for a garage, but that size would not account for storage space. She asked if the Commission members might be amenable to expanding the 800 square-foot restriction proposed by the neighborhood for accessory structures to 820 square feet.

Mr. Brewer asked if the neighborhood is in agreement with the proposed staff alternative design standards. Mr. Bush answered that the neighborhood is in agreement with the standards, and noted that they had been working closely with the staff.

Commission Discussion: Ms. Beatty commended the neighborhood for seeking ND-1 zoning, particularly due to their location in Lexington.

Mr. Owens stated that he had driven through the neighborhood, and had found it to be one of the most uniform neighborhoods in Lexington. He said that he believes that the proposed design standards are reasonable, and they should allow for reasonable expansions of existing homes in the future. He noted that there will be a few non-conformities created, but they should not have a significant impact on the neighborhood.

Ms. Blanton stated that she believes that the Meadowthorpe neighborhood is beautiful, with well-kept homes. She said that she grew up in homes of that era, however; and many of them are not functional by the standards of many families today, since they typically have only one bathroom and three bedrooms. Ms. Blanton stated

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that she is concerned that the proposed design standards are too restrictive, and that they might have an opposite effect of their intention, in that younger families might not choose to locate there due to the lack of accommodation for modern lifestyles.

Mr. Cravens stated that he does not see why ND-1 overlay zoning is necessary in the Meadowthorpe neighborhood, since the homes there have been well maintained for 60 years and "the pride of the neighborhood keeps them that way." He added that he would hate to come home and find a postcard informing him that his neighbors wanted to rezone his house, and take away his rights to build an addition, garage, or circle driveway in the front yard. Mr. Cravens agreed with Ms. Blanton that many of the homes of that age are obsolete, and need more restrooms. He believes that the .25 FAR restriction could prevent those needed expansions, adding that the Infill & Redevelopment Area regulations allow a .35 FAR.

Mr. Cravens also noted that, if deed restrictions were in effect for the Meadowthorpe neighborhood, it would take 100% support to have them changed, rather than the approximately 70% support for this request.

Ms. Blanton asked if accommodations could be made to the proposed design standards in order to meet ADA regulations or for someone who might need to park close to the front of their house. Mr. Saltee answered that there is a process through which an owner could seek to change the restrictions on their property, but it would not be an automatic process; as an application, mailed notice, and public hearing would be required.

Ms. Roche-Phillips stated that the Meadowthorpe neighborhood has been working on the ND-1 process for over two years, and noted that it would be very difficult to achieve 100% consent for anything in an area with 484 property owners. She said that she believes that the neighborhood has clearly put forth a great deal of effort through this process, and that they have the best interests of all of the property owners in mind in their attempt to preserve the historical integrity of the neighborhood.

Action: A motion was made by Ms. Roche-Phillips, seconded by Mr. Wilson, and carried 6-3 (Penn absent; Berkley, Blanton, and Cravens opposed) to approve MAR 2012-2 with the staff alternative design standards, for the reasons provided by staff.

*Note: Chairman Cravens declared a brief recess at 3:16 p.m. The meeting reconvened at 3:23 p.m.*

## **VI. COMMISSION ITEMS**

### **A. REVISED COMMISSION BY-LAWS** – Mr. Cravens stated that Mr. King had prepared a draft change to the Planning Commission's by-laws, as discussed at the recent work session.

Mr. Owens stated that, under the proposed change to the by-laws, the nominating committee would be elected by the Planning Commission at their first regular meeting in June. The nominating committee would report on their progress at a work session the following week, for discussion by the Commission. The vote on the new officers, either via slate or nominations from the floor, would then take place at the Commission's first meeting in July.

Mr. Cravens said that he had encouraged the nominating committee to pursue this change to the by-laws in order to have elections in July, but he does not support the amendment as proposed. He explained that he believes that the Chair should appoint the nominating committee, and he does not believe that it is necessary to discuss the slate at a work session.

Ms. Roche-Phillips said that there had been some previous discussion about "breaking apart the slate" to elect individual officers, and asked if that would still be permitted under the proposed change to the by-laws. Mr. Owens answered that that would be allowed, if anyone had concerns with the proposed slate of officers or wished to make a nomination from the floor.

Mr. Brewer asked why the Planning Commission could not elect officers at a work session, rather than at a public meeting. Ms. Boland answered that, although work sessions are technically public meetings, there is no published agenda. She explained that it has always been the practice that official action is not taken at a work session, since the Planning Commission is a public body, and since state law requires that official actions of that body shall be televised and recorded.

Ms. Roche-Phillips asked if that practice was codified in the Planning Commission's by-laws. She said that she agreed with Mr. Brewer. Ms. Boland responded that the law requires that the Planning Commission act officially through their meetings, and official actions are recorded in minutes. She added that, since work sessions are not considered official meetings, no minutes are taken. Ms. Boland stated that, in order to hold elections at a work session, the Planning Commission would have to completely change their policy, and have formal minutes taken at their work sessions, which would

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have to be formally approved. She added that, basically, the Commission would have to change their work sessions to official meetings. Ms. Roche-Phillips asked if matters that concern the Commission and its by-laws are considered official business. Ms. Boland answered that they are.

Ms. Beatty asked if the votes in the election of officers could be taken by ballot, rather than voice vote. Mr. Wilson stated that that would be allowed under parliamentary procedure. Ms. Boland answered that she does not believe that there is a prohibition against a ballot vote in the election of officers. Ms. Blanton stated that there is a difference between parliamentary procedure, and openness and transparency of process. She said that she would be concerned about a vote wherein the ballots are handed in and a tally of the "yeas" and "nays" is provided. Ms. Beatty stated that, due to the Commission's previous discussions and concerns about the election process, she was trying to find a way to handle the issue more professionally.

Action: A motion was made by Ms. Blanton, seconded by Ms. Roche-Phillips, and carried 8-1 (Cravens opposed; Penn absent) to approve the by-laws as amended and presented by Mr. Owens.

- B. ELECTION OF CHAIRPERSON** – Due to the recent resignation of the current Planning Commission Chair Derek Paulsen, in accordance with the Commission's by-laws, the Commission must elect a new Chair at this time.

The current officers are as follows:

Chairperson - Derek Paulsen  
Vice Chairperson - Mike Cravens  
Secretary - Lynn Roche-Phillips  
Parliamentarian - William Wilson

Mr. Cravens stated that the floor was open for nominations for the new Chair.

Ms. Roche-Phillips said that she would like to nominate Mike Owens as Chair. She stated that he has shown tremendous leadership and done considerable work to advance the goals of the Planning Commission, and she believes that he would serve very well as the Chair.

Mr. Cravens asked if there were any other nominations from the floor. There were none.

Action: A motion was made by Mr. Wilson to elect Mr. Owens as Chair by acclamation. The motion carried.

**VII. STAFF ITEMS**

- VIII. AUDIENCE ITEMS** – No such items were presented.

**IX. MEETING DATES FOR MARCH, 2012**

Subdivision Committee, Thursday, 8:30 a.m., Planning Division Office (101 East Vine Street).....	March 1, 2012
Zoning Committee, Thursday, 1:30 p.m., Planning Division Office (101 East Vine Street).....	March 1, 2012
<b>Subdivision Items Public Meeting</b> , Thursday, 1:30 p.m., 2 <sup>nd</sup> Floor Council Chambers.....	<b>March 8, 2012</b>
Work Session, Thursday, 1:30 p.m., 2 <sup>nd</sup> Floor Council Chambers.....	March 15, 2012
<b>Zoning Items Public Hearing</b> , Thursday, 1:30 p.m., 2 <sup>nd</sup> Floor Council Chambers.....	<b>March 22, 2012</b>
Technical Committee, Wednesday, 8:30 a.m., Planning Division Office (101 East Vine Street).....	March 28, 2012
Work Session, Thursday, 1:30 p.m., 2 <sup>nd</sup> Floor Council Chambers.....	March 29, 2012

- X. ADJOURNMENT** – There being no further business, Chairman Cravens declared the meeting adjourned at 3:35 p.m.

TLW/TM/CT/BJR/BS/src

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